

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 86**

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Introduced by Council Members Ferreras, Arroyo, Barron, James, Koo, Koppell, Lander, Mendez, Palma, Vann, Van Bramer, Brewer, Jackson and Williams.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to transparency of the office of chief medical examiner.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-208 to read as follows:

§ 17-208 **Transparency, office of chief medical examiner.** *a. For the purpose of this section, the following terms shall have the following meanings:*

1. *"Forensic DNA laboratory" shall have the same meaning as set forth in subdivision two of section nine hundred ninety-five of article forty-nine-b of the New York state executive law, or any successor provision thereto.*

2. *"Proficiency test" shall mean such testing as is required by the New York state commission on forensic science and the New York state subcommittee on forensic DNA laboratories and forensic DNA testing pursuant to paragraph b of subdivision three of section nine hundred ninety-five-b of article forty-nine-b of the New York state executive law, or any successor provision thereto.*

3. *"Proficiency testing report" shall mean an annual report produced by the office of chief medical examiner which reports the number of employees working in the department of forensic*

*biology of the office of chief medical examiner who have taken a proficiency test that year, and the percentage and number of those employees who passed such proficiency test.*

*b. The office of chief medical examiner shall annually prepare a proficiency testing report and shall include comparison data for each of the previous five years as available. The proficiency testing report shall not include the names of, or otherwise identify, any employee of the department of forensic biology of the office of chief medical examiner.*

*c. To the extent the office of chief medical examiner is authorized to publish such materials, the office of chief medical examiner shall post prominently and maintain on its website the following concerning the department of forensic biology of the office of chief medical examiner:*

*1. current copies, and copies used within the preceding two years, of all manuals, guidelines, or other documents relating to scientific procedures or protocols, quality assurance and quality control procedures or protocols, materials used for the training of lab workers, and evidence and case management procedures, including, but not limited to, accreditation standards and accreditation audit reports;*

*2. the most recent annual proficiency testing report; and*

*3. current copies of all certificates of accreditation issued to the department of forensic biology of the office of chief medical examiner, whether by a governmental entity or a non-governmental entity responsible for the accreditation of the department of forensic biology of the office of chief medical examiner.*

*d. Historic copies of any manual, guidelines, or other document identified in paragraph one of subdivision c of this section used on or after January first, two thousand and not fully available on the website of the office of chief medical examiner shall be made available to any person upon request, and a notice describing such availability and how to make such a request*

*shall be posted on the office's website.*

*e. This section shall not be construed to create a private right of action to enforce any of its provisions.*

§ 2. This local law shall take effect one hundred twenty days after its enactment into law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 12, 2013 and returned unsigned by the Mayor on October 11, 2013.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 86 of 2013, Council Int No. 1058-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.